

FILED

JAN 22 2018

Matthew Thibault
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF SOUTH DAKOTA**

MARTY NOBLE AND HOLLI
TELFORD

Plaintiffs

v.

AMERICAN NATIONAL PROPERTY &
CASUALTY INSURANCE CO; BOARD-
WALK PROPERTY MANAGEMENT CO.,
KEVIN WEST, LEHI OASIS, LLC;
DAVID L PARKER, AUSTIN B. CALES;
JARED ELDRIGE in his official
Capacity, LARRY DEITER in his official
official capacity as Director for the
Division of Insurance for the state of South
Dakota, ROBERT J. POULSEN and
POULSEN & SKOUSEN

Defendants

CIVIL No. **5:17-cv-5088**

**APPLICATION FOR ENTRY
OF DEFAULT AGAINST
DEFENDANT LARRY DEITER
FOR EX PARTE YOUNG RELIEF
ONLY**

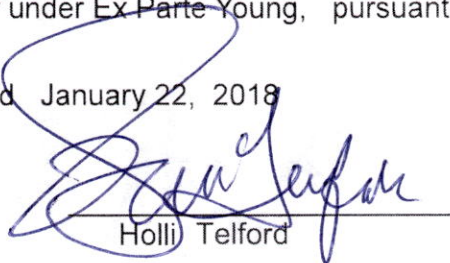
An original Complaint was filed on October 20, 2017. A First amended complaint was executed and submitted for filing on November 28, 2017. Due to errors in execution of the original summons by the clerk of the court, Defendant Larry Deiter's summons was not correctly prepared until December 22, 2017. The Summons and First Amended Complaint were served on Larry Deiter on December 26, 2017.

Larry Deiter had until January 15, 2018 in which to file a response or answer to the First Amended Complaint. As of the date of this Application /Motion for entry of Default on January 22, 2018 against Defendant Larry Deiter sued under Ex Parte Young official capacity only, Larry Deiter has not filed an answer or response to the complaint and therefore default

is proper.

Therefore Plaintiffs hereby request that a clerk of this Court enter the default of this Defendant, Larry Deiter in his official capacity only for prospective declaratory and injunctive relief under ~~Ex Parte~~ Young, pursuant to Federal Rules of Civil Procedure, rule 55(a).

Dated January 22, 2018



Holli Telford



Marty Noble